IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

MFA.No. 37 of 2002()

OPMV.2029/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
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APPELLANT: PETITIONER

SUDHINA P.K. D/O. C.RAVEENDRAN,
AGED 19 YEARS, SUDHINA NIVAS, P.O.MANANTHERI,
VIA. KUTHUPARAMBA, KANNUR DISTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR
SRI.P.NARAYANAN

RESPONDENTS: RESPONDENTS
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1. K.K.RAMESHAN S/O. KRISHNAN, KALUKKUNNEL HOUSE, ARANGAM DESOM, KARTHIKAPURAM, ALAKKODE, (DRIVER OF JEEP NO.KBE 7890)

2. SHINO ANTONY S/O. ANTONY, KAVANKAL HOUSE KARTHIKAPURAM, ALAKODE VIA.TALIPARAMBA, KANNUR, (OWNER OF JEEP KBE 7890).

3. M/S.ORIENTAL INSURANCE CO.LTD.,KANNUR.

BY ADV. SRI.P.V.JYOTHI PRASAD

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA,JJ.

M.F.A.NO. 37 OF 20O2

Dated this the 20th day of September, 2007

JUDGMENT

Koshy, J.

The appellant, at the age of 15, met with an accident by which she suffered serious injuries. There was fracture of teeth and fracture of ankle of right leg. The doctor certified 20% disability. The Tribunal did not accept the same. According to the Tribunal, there was no certificate to the effect that fracture was not united well and if the fracture is united, there cannot be any permanent disability. The Tribunal, after seeing the girl also, held that there is no disfiguration. Therefore, instead of granting compensation for 20% disability as certified, the Tribunal granted only Rs.10,000/- as compensation. Considering the age of the appellant and the nature of injuries, we are of the view that no enhancement is necessary for disability compensation. It has come out in evidence that as a result of the accident, two teeth had fractured and two teeth were loosened. It has also come out in evidence by producing certificate from the school that she lost one year due to continuous absence. Taking into account the fact that teeth has been replaced and her

one year study was lost, we are of the opinion that Rs.5,000/- ought to have been granted in these two heads, in addition to the compensation awarded by the Tribunal. The above Rs.5,000/- should be deposited by the third respondent Insurance Company with 7 ½% interest from the date of application till the date of deposit. On deposit of the above amount, the same shall be disbursed to the appellant. The appeal is allowed partly.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

vgs.

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.37 OF 2002

JUDGMENT

20.9.2007